

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Fabian Tello,

Plaintiff,

-against-

Nichl Due, Inc. *et al.*,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 12/17/2021

21-CV-5852 (KHP)

ORDER OF DISMISSAL

KATHARINE H. PARKER, United States Magistrate Judge:

In this action under the Fair Labor Standards Act, which is before this Court on the consent of the parties pursuant to 28 U.S.C. § 636(c), the parties, having reached an agreement in principle to resolve the action, have placed their proposed settlement agreement before this Court for approval. *See Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 1999 (2d Cir. 2015) (requiring judicial fairness review of FLSA settlements). The parties have also submitted a letter detailing why they believe the proposed settlement agreement is fair, reasonable, and adequate. (ECF No. 22.) This Court has reviewed the parties' submissions in order to determine whether the proposed agreement represents a reasonable compromise of the claims asserted in this action, and, in light of the totality of the relevant circumstances, including the representations made in the parties' letter, the terms of the proposed settlement agreement, and this Court's own familiarity with the strengths and weaknesses of the parties' positions (as became evident during an arms-length settlement mediation conducted by this Court), it is hereby ORDERED that:

1. The Court finds that the terms of the proposed settlement agreement are fair, reasonable, and adequate, both to redress Plaintiff's claims in this action and to compensate Plaintiff's counsel for their legal fees, and the agreement is therefore approved subject to paragraph 2 below.

2. The Court construes the parties' carve-out from the mutual non-disparagement clause to permit Plaintiff to make truthful statements about the allegations in his lawsuit and about his wages.

3. In accordance with the parties' request, this Court will retain jurisdiction over this matter for the purpose of enforcing the settlement agreement, if necessary.

4. As a result of the Court's approval of the parties' proposed settlement, this action is hereby discontinued with prejudice and without costs.

5. The Clerk of Court is directed to close this case on the Docket of the Court.

Dated: New York, New York
December 17, 2021

SO ORDERED



KATHARINE H. PARKER
United States Magistrate Judge

Copies to:

All counsel (via ECF)